

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

F-1 FIREARMS, LLC BDR-15 RIFLE
CAL: MULTI SN: 12002152,

DERYA ARMS (DERYA SILAH
SANAYI) LION X6 SHOTGUN CAL:
12 SN: TR14059,

ZASTAVA PAP M92 PV RIFLE CAL:
762 SN: M92PV006616,

KRISS USA INC.
(TRANSFORMATIONAL DEFENSE
IND) KRISS VECTOR SDP G2 PISTOL
CAL: 9 SN: 919P006362,

ANDERSON MANUFACTURING AM-
15 RIFLE CAL: MULTI SN: 18204678,

ROMARM/CUGIR MINI DRACO
PISTOL CAL: 762 SN: PE-3531,

DSA INC. SA58 PISTOL CAL: 762
SN: DSA37105,

JAPAN TYPE 30 RIFLE CAL:
UNKNOWN SN: 4657,

SPRINGFIELD ARMORY, GENESEO,
IL M1A RIFLE CAL: 308 SN: 411457,

KIMBER MICRO ROSE GOLD PISTOL
CAL: 380 SN: P0076357,

CASE NO.

JUDGE

COMPLAINT IN FORFEITURE

FEG PA63 PISTOL CAL: 9)
SN: BF27427,)
)
CENTURY ARMS INTERNATIONAL)
UNKNOWN TYPE RIFLE CAL: 762)
SN: 08297,)
)
TANFOGLIO, F. LLI, S.N.C. WITNESS)
P PISTOL CAL: 45 SN: MT21966,)
)
ISRAEL WEAPON IND-IWI (ISRAEL)
MILITARY IND-IMI) DESERT EAGLE)
PISTOL CAL: 40 SN: 33308074,)
)
ISRAEL WEAPON IND-IWI (ISRAEL)
MILITARY IND-IMI) JERICHO 941)
PISTOL CAL: 9 SN: J0010603,)
)
240 ROUNDS WINCHESTER-)
WESTERN AMMUNITION CAL: 12,)
)
444 ROUNDS UNKNOWN)
AMMUNITION CAL: 762,)
)
540 ROUNDS UNKNOWN)
AMMUNITION CAL: 762,)
)
270 ROUNDS UNKNOWN)
AMMUNITION CAL: 40,)
)
100 ROUNDS UNKNOWN)
AMMUNITION CAL: 380,)
)
160 ROUNDS UNKNOWN)
AMMUNITION CAL: 9,)
)
110 ROUNDS UNKNOWN)
AMMUNITION CAL: 45,)
)
40 ROUNDS UNKNOWN)
AMMUNITION CAL: 50,)
)
25 ROUNDS REMINGTON)
AMMUNITION CAL: 12,)
)

19 ROUNDS WINCHESTER-WESTERN)
AMMUNITION CAL: 12,)
)
HAVOC, 37 MM FLAIR GUN,)
)
10 ROUNDS THUNDER RIAN)
37 MM FLAIRS.)
)
Defendants.)

NOW COMES plaintiff, the United States of America, by Justin E. Herdman, United States Attorney for the Northern District of Ohio, and Henry F. DeBaggis, Assistant U.S. Attorney, and files this Complaint in Forfeiture, respectfully alleging on information and belief the following:

JURISDICTION AND INTRODUCTION

1. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a). This Court also has jurisdiction over this particular action under 18 U.S.C. § 924(d)(1) and (3). This Court has *in rem* jurisdiction over the defendant properties pursuant to: (i) 28 U.S.C. Section 1355(b)(1)(A) because acts giving rise to the forfeiture occurred in this district; and, (ii) 28 U.S.C. Section 1355(b)(1)(B), incorporating 28 U.S.C. Section 1395, because the action accrued in this district.

2. Venue is proper in this district pursuant to: (i) 28 U.S.C. Section 1355(b)(1)(A) because acts giving rise to the forfeiture occurred in this district; and, (ii) 28 U.S.C. Section 1395 because the action accrued in this district.

3. Defendants F-1 Firearms, LLC BDR-15 Rifle CAL:Multi SN:12002152, et al. (firearms) and 240 Rounds Winchester-Western Ammunition CAL:12, et al. (ammunition)

(hereinafter “defendants firearms and ammunition”) were seized on December 7, 2019.

Defendants firearms and ammunition are now in the possession of the federal government.

4. Subsequent to the seizure, the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) commenced administrative forfeiture proceedings against the defendants firearms and ammunition. A claim to the defendants firearms and ammunition was submitted in the administrative forfeiture proceeding by Christopher D. Ortiz, necessitating the filing of this judicial forfeiture action.

5. The defendants firearms and ammunition are subject to forfeiture to the United States under 18 U.S.C. Section 924(d)(1) in that they were involved in or used in a knowing violation of 18 U.S.C. Section 922(g)(1) and (3). Section 922(g)(1) makes it unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to possess, in or affecting commerce, a firearm or ammunition. Section 922(g)(3) makes it unlawful for any person who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substance Act (21 U.S.C. 802); to possess, in or affecting commerce, any firearm or ammunition.

FORFEITURE

6. On or about October 23, 2012, in Case No. 12CR437 in the Sandusky County Court of Common Pleas, Jose Ortiz was convicted of Possession of Cocaine (F1) and Possession of Marijuana (F3), he was sentenced to an aggregate term of six (6) years in prison and advised that he may never lawfully possess a firearm.

7. On or about December 7, 2019, Christopher Ortiz admitted that he was an unlawful user of marijuana.

8. On, or about December 7, 2019, Jose Ortiz, Christopher Ortiz and Michael Molyet were observed by ATF agents, Drug Enforcement Administration (DEA) agents, and DEA Task Force Officers (TFO), at Jose Ortiz's residence at XXXX US-20 East, Gibsonberg, Ohio, where they entered Jose Ortiz's vehicle, a black Dodge Ram.

9. The black Dodge Ram traveled to the Tri-State gun show in Lima, Ohio where Jose Ortiz, Christopher Ortiz and Michael Molyet exited the vehicle and entered the gun show.

10. While at the gun show, Jose Ortiz purchased three (3) rifles and Christopher Ortiz sold an AR type rifle which he had brought to the gun show.

11. While at the gun show, Michael Molyet was observed carrying one pistol in his hand (later identified as a Heckler & Koch pistol, caliber: .40, model: USP40, bearing serial number 22-2112) and a grey pistol case in the other hand (later identified as a Sig Sauer pistol, caliber: 9mm, model: P365, bearing serial number 66A262800).

12. After Jose Ortiz, Christopher Ortiz and Michael Molyet left the gun show, they returned to the black Dodge Ram, placed the firearms in the vehicle and drove off; however, they were stopped by Ohio State Highway Patrol (OSHP) Troopers for a traffic violation.

13. OSHP Troopers approached the vehicle and spoke with the driver of the vehicle, Jose Ortiz, who could not produce a valid driver's license and all occupants were then asked to exit the vehicle.

14. An inventory of the vehicle was conducted and OSHP recovered the following firearms from the back seat of the vehicle:

- a. Rock River Arms rifle, caliber: 5.56, model: LAR 15, bearing serial number KT1082752;
- b. Romarm rifle, caliber: 7.62, model: WASR-10, bearing serial number 15044503;

- c. CBC rifle, caliber: .22, model: 715T, bearing serial number EMF3777690;
- d. CZ pistol, caliber: 9mm, model: CZ2075 D Rami, bearing serial number D009250;
- e. CZ pistol, caliber: 9mm, model: CZP-09, bearing serial number C886312;
- f. Heckler & Koch pistol, caliber: .40, model: USP40, bearing serial number 22-2112; and
- g. Sig Sauer pistol, caliber: 9mm, model: P365, bearing serial number 66A262800.

15. Additionally, a Glock pistol, caliber: .45, model: 30, bearing serial number CGC983US was found behind the glove compartment and one thousand eighty six (1,086) rounds of assorted ammunition were also found in the vehicle.

16. On or about December 7, 2019, law enforcement escorted Christopher Ortiz to his residence at XXX May Street, Fremont, Ohio, where they executed a consensual search of the residence and seized the following:

- a. DSA Inc., model SA58, 7.62 cal. Pistol, bearing serial number DSA37105;
- b. Romarm/Cugir, model Mini Draco, 7.62 cal. Pistol, bearing serial number PE-3531;
- c. Century Arms International, model unknown, 7.62 cal. Rifle, bearing serial number 08297;
- d. Derya Arms, model Lion X6, 12 gauge shotgun, bearing serial number TR14059;
- e. Anderson Manufacturing, model Am-15, multi-caliber rifle, bearing serial number 18204678;
- f. F-1 Firearms LLC, model BDR-15, .50 cal. Rifle, bearing serial number 12002152;
- g. Japan, model 30, unknown caliber rifle, bearing serial number 4657;
- h. Springfield Armory, model M1A, .308 cal. Rifle, bearing serial number 411457;

- i. Zastava, model PAP M92 PV, 7.62 cal. Rifle, bearing serial number M92PV006616;
- j. Kriss USA Inc., model KrissVector SDP G2, 9 mm pistol, bearing serial number 919P006362;
- k. Tanfoglio, model Witness P, .45 cal. Pistol, bearing serial number MT21966;
- l. Kimber, model Micro Rose Gold, .380 cal. Pistol, bearing serial number P0076357;
- m. Israel Weapon Ind., model Jericho 941, 9 mm Pistol, bearing serial number J0010603;
- n. Israel Weapon Ind., model Desert Eagle, .40 cal. Pistol, bearing serial number 33308074;
- o. FEG, model PA63, 9 mm Pistol, bearing serial number BF27427;
- p. Assorted 7.62 cal. ammunition (49.2 lbs.);
- q. Assorted .380 cal. ammunition (4 lbs.);
- r. Assorted .40 cal. ammunition (10.8 lbs.);
- s. Assorted 9 mm ammunition (6.4 lbs.);
- t. Assorted .45 cal. ammunition (4.4 lbs.);
- u. Alexander Arms, .50 cal. Beowulf ammunition (40 rounds);
- v. Winchester Super Target, 12 gauge shotgun shells (19 rounds);
- w. Remington Game Loads, 12 gauge shotgun shells (25 rounds);
- x. Winchester Ranger, 12 gauge shotgun shells (240 rounds);
- y. Havoc, 37 mm flair gun; and
- z. Thunder Rian, 37 mm flairs (10 rounds).

17. Defendants firearms and ammunition were manufactured outside of the State of Ohio and therefore, had travelled in, and affected, interstate commerce.

CONCLUSION

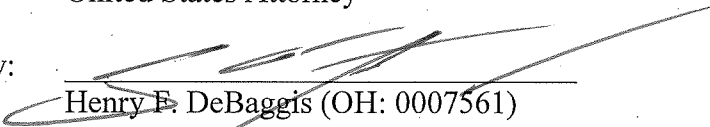
18. By reason of the foregoing, defendants firearms and ammunition are subject to forfeiture to the United States under 18 U.S.C. Section 924(d)(1) in that they were involved in or used in a knowing violation of 18 U.S.C. Section 922(g)(1) and (3).

WHEREFORE, plaintiff, the United States of America, respectfully requests that the Court enter judgment condemning defendants firearm and ammunition and forfeiting them to the United States of America for disposition according to law and for such other relief as this Court may deem just and proper.

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

By:

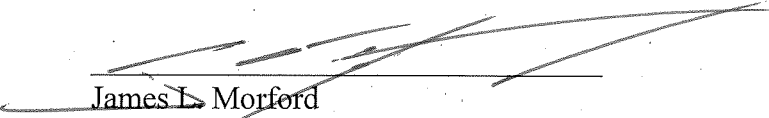


Henry F. DeBaggis (OH: 0007561)
James L. Morford (OH: 0005657)
Assistant United States Attorneys
400 United States Court House
801 West Superior Avenue
Cleveland, Ohio 44113
216.622.3749
Fax: 216.522.7499
Henry.DeBaggis@usdoj.gov

VERIFICATION

STATE OF OHIO)
) SS.
COUNTY OF CUYAHOGA)

I, James L. Morford, under penalty of perjury, depose and say that I am an Assistant United States Attorney for the Northern District of Ohio, and an attorney for the plaintiff in the within entitled action. The foregoing Complaint in Forfeiture is based upon information officially provided to me and, to my knowledge and belief, is true and correct.


James L. Morford
Assistant United States Attorney
Northern District of Ohio

Sworn to and subscribed in my presence this 20th day of April, 2020.


Notary Public

EDWARD F. FERNAL, Attorney
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date.
Section 147.02 R.C.

JS 44 (Rev. 11/15)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Henry F. DeBaggis, Assistant U.S. Attorney
801 West Superior Avenue, Suite 400, Cleveland, OH 44113
(216) 622-3769

DEFENDANTS

F-1 Firearms, LLC BDR-15 Rifle,
CAL: MULTI SN: 12002152, et al.

County of Residence of First Listed Defendant Allen/Sandusky
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters. <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:
Civil Forfeiture Action pursuant to 18 U.S.C. Section 924(d)(1)

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE
04/20/2020

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

I. Civil Categories: (Please check one category only).

1. ☒ General Civil
2. ☐ Administrative Review/Social Security
3. ☐ Habeas Corpus Death Penalty

*If under Title 28, §2255, name the SENTENCING JUDGE: _____

CASE NUMBER: _____

II. **RELATED OR REFILED CASES.** See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action is ☐ **RELATED** to another **PENDING** civil case. This action is ☐ **REFILED** pursuant to LR 3.1.

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

III. In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) **Resident defendant.** If the defendant resides in a county within this district, please set forth the name of such county

COUNTY:

Corporation For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) **Non-Resident defendant.** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.

COUNTY: Allen and Sandusky

(3) **Other Cases.** If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.

COUNTY:

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

EASTERN DIVISION

☐
☐
☐

AKRON
CLEVELAND
YOUNGSTOWN

(Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)
(Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)
(Counties: Columbiana, Mahoning and Trumbull)

WESTERN DIVISION

☒

TOLEDO

(Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca VanWert, Williams, Wood and Wyandot)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. **Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.
)	
Plaintiff,)	JUDGE
)	
v.)	
)	
F-1 FIREARMS, LLC BDR-15 RIFLE)	
CAL: MULTI SN: 12002152, et al.,)	
)	
Defendants.)	<u>PRAECIPE</u>

Please issue a Warrant of Arrest in Rem to Bureau of Alcohol, Tobacco, Firearms, and Explosives, on behalf of the United States Attorney's Office.

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

By: /s/ Henry F. DeBaggis.
Henry F. DeBaggis (OH: 0007561)
James L. Morford (OH: 0005657)
Assistant United States Attorneys
400 United States Court House
801 West Superior Avenue
Cleveland, Ohio 44113
Phone: 216.622.3749
Fax: 216.522.7499
Henry.DeBaggis@usdoj.gov

United States District Court

NORTHERN DISTRICT OF OHIO

WARRANT OF
ARREST *IN REM*

TO: THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, AND/OR
ANY OTHER DULY AUTHORIZED LAW ENFORCEMENT OFFICER:

WHEREAS, on 04/20/2020 a Complaint in Forfeiture
was filed in this Court by Justin E. Herdman, United States Attorney for this District, on behalf of the United
States, against:

Various Firearms and Ammunition. See attached list.

and WHEREAS, the defendant properties are currently in the possession, custody or control of the United
States; and,

WHEREAS, Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset
Forfeiture Actions directs the Clerk of the Court to issue a warrant of arrest *in rem* for the arrest of the defendant
properties; and,

WHEREAS, Rule G(3)(c) of the Supplemental Rules for Admiralty or Maritime Claims and Asset
Forfeiture Actions provides that the warrant of arrest *in rem* must be delivered to a person or organization
authorized to execute it;

YOU ARE COMMANDED to arrest the defendant properties by serving a copy of this warrant on the
custodian in whose possession, custody or control the properties are presently found, and to use whatever means
may be appropriate to protect and maintain it in your custody until further order of this Court.

YOU ARE FURTHER COMMANDED to file the same in this Court with your return thereon.

WITNESS THE HONORABLE

UNITED STATES DISTRICT JUDGE AT

DATE

CLERK

(BY) DEPUTY CLERK

Returnable -60- days after issue.

BUREAU OF ATF

DISTRICT

DATE RECEIVED

DATE EXECUTED

PRINTED NAME

SIGNATURE

U.S. v. F-1 Firearms, LLC BDR-15 Rifle, Cal: Multi, SN: 12002152, et. al.,**Asset List**

CATS ID	ASSET
20-ATF-006529	F-1 FIREARMS, LLC BDR-15 RIFLE CAL: MULTI SN: 12002152
20-ATF-00653	DERYA ARMS (DERYA SILAH SANAYI) LION X6 SHOTGUN CAL: 12 SN: TR14059
20-ATF-006531	ZASTAVA PAP M92 PV RIFLE CAL: 762 SN: M92PV006616
20-ATF-006532	KRISS USA INC. (TRANSFORMATIONAL DEFENSE IND) KRISS VECTOR SDP G2 PISTOL CAL: 9 SN: 919P006362
20-ATF-006534	ANDERSON MANUFACTURING AM-15 RIFLE CAL: MULTI SN: 18204678
20-ATF-006535	ROMARM/CUGIR MINI DRACO PISTOL CAL: 762 SN: PE-3531
20-ATF-006542	DSA INC. SA58 PISTOL CAL: 762 SN: SDSA37105
20-ATF-006544	JAPAN TYPE 30 RIFLE CAL: UNKNOWN SN: 4657
20-ATF-006545	SPRINGFIELD ARMORY, GENESEO, IL M1A RIFLE CAL: 308 SN: 411457
20-ATF-006546	KIMBER MICRO ROSE GOLD PISTOL CAL: 380 SN: P0076357
20-ATF-006547	FEG PA63 PISTOL CAL: 9, SN: BF27427
20-ATF-006549	CENTURY ARMS INTERNATIONAL UNKNOWN TYPE RIFLE CAL: 762 SN: 08297
20-ATF-006550	TANFOGLIO, F. LLI, S.N.C. WITNESS P PISTOL CAL: 45 SN: MT21966
20-ATF-006552	ISRAELWEAPON IND-IWI (ISRAEL MILITARY IND-IMI) DESERT EAGLE PISTOL CAL: 40 SN: 33308074
20-ATF-006555	ISRAEL WEAPON IND-IWI (ISRAEL MILITARY IND-IMI) JERICHO 941 PISTOL CAL: 9 SN: J0010603
20-ATF-006556	240 ROUNDS WINCHESTER-WESTERN AMMUNITION CAL: 12
20-ATF-006557	444 ROUNDS UNKNOWN AMMUNITION CAL: 762
20-ATF-006558	540 ROUNDS UNKNOWN AMMUNITION CAL: 762
20-ATF-006559	270 ROUNDS UNKNOWN AMMUNITION CAL: 40
20-ATF-006560	100 ROUNDS UNKNOWN AMMUNITION CAL: 380
20-ATF-006561	160 ROUNDS UNKNOWN AMMUNITION CAL: 9
20-ATF-006562	110 ROUNDS UNKNOWN AMMUNITION CAL: 45
20-ATF-006563	40 ROUNDS UNKNOWN AMMUNITION CAL: 50
20-ATF-006564	25 ROUNDS REMINGTON AMMUNITION CAL: 12
20-ATF-006565	19 ROUNDS WINCHESTER-WESTERN AMMUNITION CAL: 12
No CATD ID	HAVOC, 37 MM FLAIR GUN
20-ATF-006566	10 ROUNDS THUNDER RIAN 37 MM FLAIRS

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.
)	
Plaintiff,)	JUDGE
)	
v.)	
)	
F-1 FIREARMS, LLC BDR-15 RIFLE)	
CAL: MULTI SN: 12002152, et al.,)	
)	
Defendants.)	<u>NOTICE</u>

Party-in-Interest: Christopher Ortiz
624 May Street
Fremont, Ohio 43420

The above-captioned forfeiture action was filed in U.S. District Court on April 20, 2020. A copy of the complaint is attached. If you claim an interest in any of the defendant assets, the following applies.

Pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, you are required to file with the Court, and serve upon Henry F. DeBaggis, plaintiff's attorney, whose address is United States Attorney's Office; United States Court House; 801 West Superior Avenue, Suite 400; Cleveland, Ohio 44113, a verified claim to the defendant assets within thirty-five (35) days after your receipt of the complaint. Said claim shall contain the information required by Rule G(5) of the said Supplemental Rules. Additionally, you must file and serve an answer to the complaint or a motion under Rule 12 of the Civil Rules of

Procedure, within twenty (20) days after the filing of the claim, exclusive of the date of filing. If you fail to do so, judgment by default will be taken for the relief demanded in the complaint.

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

Date: April 20, 2020

By: /s/ Henry F. DeBaggis.
Henry F. DeBaggis (OH: 0007561)
James L. Morford (OH: 0005657)
Assistant United States Attorneys
400 United States Court House
801 West Superior Avenue
Cleveland, Ohio 44113
Phone: 216.622.3749
Fax: 216.522.7499
Henry.DeBaggis@usdoj.gov